
SUBSTITUTE SENATE BILL 5542

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Agriculture & Rural Economic Development
(originally sponsored by Senators Jacobsen, McAuliffe, Poulsen,
Honeyford, Rasmussen and Holmquist)

READ FIRST TIME 02/12/07.

1 AN ACT Relating to establishing the Washington state heritage barn
2 preservation program; amending RCW 27.34.020; adding new sections to
3 chapter 27.34 RCW; creating a new section; and providing an expiration
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that historic barns
7 are essential symbols of Washington's heritage representing a
8 pioneering spirit of industriousness. Important for their association
9 with broad patterns of agricultural history and community development
10 and as examples of distinct architectural styles and methods of
11 construction, historic barns serve as highly visible icons for local
12 residents and visitors alike. The legislature acknowledges that
13 factors such as changes in the agricultural economy and farming
14 technologies, prohibitive rehabilitation costs, development pressures,
15 and regulations restricting new uses, collectively work to endanger
16 historic barns statewide and contribute to their falling into decay or
17 being demolished altogether.

18 As historic barns represent irreplaceable resources, and
19 recognizing that barn preservation will work to retain these structures

1 as functional and economically viable elements of working lands, the
2 purpose of this act is to create a system acknowledging heritage barns
3 statewide that provides emergency assistance to heritage barn owners
4 through matching grants, assesses the need for long-term barn
5 preservation, and considers additional incentives and regulatory
6 revisions that work toward the preservation of heritage barns as
7 integral components of Washington's historic landscapes.

8 NEW SECTION. **Sec. 2.** (1) The Washington state heritage barn
9 preservation program is created in the department.

10 (2) The director, in consultation with the heritage barn
11 preservation advisory board, shall conduct a thematic study of
12 Washington state's barns. The study shall include a determination of
13 types, an assessment of the most unique and significant barns in the
14 state, and a condition and needs assessment of historic barns in the
15 state.

16 (3)(a) The department, in consultation with the heritage barn
17 preservation advisory board, shall establish a heritage barn
18 recognition program. To apply for recognition as a heritage barn, the
19 barn owner shall supply to the department photos of the barn, photos of
20 the farm and surrounding landscape, a brief history of the farm, and a
21 construction date for the barn.

22 (b) Three times a year, the governor's advisory council on historic
23 places shall review the list of barns submitted by the department for
24 formal recognition as a heritage barn.

25 (4) Eligible applicants for heritage barn preservation fund awards
26 include property owners, nonprofit organizations, and local
27 governments.

28 (5) To apply for support from the heritage barn preservation fund,
29 an applicant must submit an application to the department in a form
30 prescribed by the department. Applicants must provide at least fifty
31 percent of the cost of the project through in-kind labor, the
32 applicant's own moneys, or other funding sources.

33 (6) The following types of projects are eligible for funding:

34 (a) Stabilization of endangered heritage barns and related
35 agricultural buildings, including but not limited to repairs to
36 foundations, sills, windows, walls, structural framework, and the
37 repair and replacement of roofs; and

1 (b) Work that preserves the historic character, features, and
2 materials of a historic barn.

3 (7) In making awards, the advisory board shall consider the
4 following criteria:

5 (a) Relative historical and cultural significance of the barn;

6 (b) Urgency of the threat and need for repair;

7 (c) Extent to which the project preserves historic character and
8 extends the useful life of the barn or associated agricultural
9 building;

10 (d) Visibility of the barn from a state designated scenic byway or
11 other publicly traveled way;

12 (e) Extent to which the project leverages other sources of
13 financial assistance;

14 (f) Provision for long-term preservation;

15 (g) Readiness of the applicant to initiate and complete the
16 project; and

17 (h) Extent to which the project contributes to the equitable
18 geographic distribution of heritage barn preservation fund awards
19 across the state.

20 (8) In awarding funds, special consideration shall be given to
21 barns that are:

22 (a) Still in agricultural use;

23 (b) Listed on the national register of historic places; or

24 (c) Outstanding examples of their type or era.

25 (9) The conditions in this subsection must be met by recipients of
26 funding in order to satisfy the public benefit requirements of the
27 heritage barn preservation program.

28 (a) Recipients must execute a contract with the department before
29 commencing work. The contract must include a historic preservation
30 easement for between five to fifteen years depending on the amount of
31 the award. The contract must specify public benefit and minimum
32 maintenance requirements.

33 (b) Recipients must proactively maintain their historic barn for a
34 minimum of ten years.

35 (c) Public access to the exterior of properties that are not
36 visible from a public right-of-way must be provided under reasonable
37 terms and circumstances, including the requirement that visits by

1 nonprofit organizations or school groups must be offered at least one
2 day per year.

3 (10) All work must comply with the United States secretary of the
4 interior's standards for the rehabilitation of historic properties;
5 however, exceptions may be made for the retention or installation of
6 metal roofs on a case-by-case basis.

7 (11) The heritage barn preservation fund shall be acknowledged on
8 any materials produced and in publicity for the project. A sign
9 acknowledging the fund shall be posted at the worksite for the duration
10 of the preservation agreement.

11 (12) Projects must be initiated within one year of funding approval
12 and completed within two years, unless an extension is provided by the
13 department in writing.

14 (13) If a recipient of a heritage barn preservation fund award, or
15 subsequent owner of a property that was assisted by the fund, takes any
16 action within ten years of the funding award with respect to the
17 assisted property such as dismantlement, removal, or substantial
18 alteration, which causes it to be no longer eligible for listing in the
19 Washington heritage register, the fund shall be repaid in full within
20 one year.

21 NEW SECTION. **Sec. 3.** (1) The director shall establish a
22 Washington state heritage barn preservation advisory board that
23 includes:

24 (a) Two members representing owners of heritage barns nominated by
25 recognized agricultural organizations;

26 (b) The chair of the advisory council, or the chair's designee;

27 (c) A representative of a statewide historic preservation
28 organization;

29 (d) A representative of a county heritage commission that is
30 recognized by the department as a certified local government;

31 (e) Two elected county officials, one appointed by the Washington
32 state association of counties and one appointed by the Washington
33 association of county officials;

34 (f) A representative of a private foundation with an interest in
35 the preservation of barns;

36 (g) A representative of a land trust that is experienced with
37 easements; and

1 (h) At least one at-large member with appropriate expertise in barn
2 architecture, architectural history, construction, engineering, or a
3 related field.

4 (2) The director may invite representatives of federal agencies
5 that have barn preservation programs or expertise to participate on the
6 advisory board, who shall serve as ex-officio members.

7 (3) The director shall work to assure that the advisory board
8 members are from diverse geographic regions of the state. The director
9 may serve as chair, or appoint a person to serve as chair.

10 (4) The advisory board shall provide advice to the director
11 regarding:

12 (a) The criteria for designation of heritage barns;

13 (b) The criteria for determining eligibility for grant funds
14 including contracting provisions between the department and grant
15 recipients. In developing this criteria, the department and the
16 advisory board shall consult with the state attorney general; and

17 (c) The criteria for awarding grants for barn rehabilitation.

18 (5) The advisory board shall examine regulatory issues that impose
19 constraints on the ability to use heritage barns for contemporary
20 economically productive purposes including building and land use codes.

21 (6)(a) In consultation with the department of revenue, the advisory
22 board shall review state tax incentives that would serve to provide
23 incentives for rehabilitation and maintenance of heritage barns.

24 (b) Based on the recommendations of the advisory board, the
25 department shall report to appropriate committees of the legislature,
26 by December 1, 2007, regarding recommendations to adapt existing state
27 tax incentives available to heritage barns under chapter 84.26 RCW.

28 (7) By December 1, 2010, the department shall provide a final
29 report to appropriate committees of the legislature that summarizes the
30 accomplishments of the program, addresses regulatory issues examined
31 under subsection (5) of this section, and makes final recommendations.

32 (8) This section expires December 31, 2010.

33 NEW SECTION. **Sec. 4.** (1) The heritage barn preservation fund is
34 created as an account in the state treasury. All receipts from
35 appropriations and private sources must be deposited into the account.
36 Moneys in the account may be spent only after appropriation.
37 Expenditures from the account may be used only to provide assistance to

1 owners of heritage barns in Washington state in the stabilization and
2 restoration of their barns so that these historic properties may
3 continue to serve the community.

4 (2) No more than two percent of the expenditures from the fund may
5 be used for administrative purposes by the department.

6 (3) The primary public benefit of funding through the heritage barn
7 preservation program is the preservation and enhancement of significant
8 historic properties that provide economic benefit to the state's
9 citizens and enrich communities throughout the state.

10 **Sec. 5.** RCW 27.34.020 and 2005 c 333 s 13 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter:

14 (1) "Advisory council" means the advisory council on historic
15 preservation.

16 (2) "Department" means the department of archaeology and historic
17 preservation.

18 (3) "Director" means the director of the department of archaeology
19 and historic preservation.

20 (4) "Federal act" means the national historic preservation act of
21 1966 (Public Law 89-655; 80 Stat. 915).

22 (5) "Heritage barn" means any large agricultural outbuilding used
23 to house animals, crops, or farm equipment, that is over fifty years
24 old and has been determined by the department to: (a) Be eligible for
25 listing on the Washington heritage register or the national register of
26 historic places; or (b) have been listed on a local historic register
27 and approved by the advisory council. In addition to barns, "heritage
28 barn" includes agricultural resources such as milk houses, sheds,
29 silos, or other outbuildings, that are historically associated with the
30 working life of the farm or ranch, if these outbuildings are on the
31 same property as a heritage barn.

32 (6) "Heritage council" means the Washington state heritage council.

33 ((+6+)) (7) "Historic preservation" includes the protection,
34 rehabilitation, restoration, identification, scientific excavation, and
35 reconstruction of districts, sites, buildings, structures, and objects
36 significant in American and Washington state history, architecture,
37 archaeology, or culture.

1 (~~(7)~~) (8) "Preservation officer" means the state historic
2 preservation officer as provided for in RCW 43.334.020.

3 (~~(8)~~) (9) "Project" means programs leading to the preservation
4 for public benefit of historical properties, whether by state and local
5 governments or other public bodies, or private organizations or
6 individuals, including the acquisition of title or interests in, and
7 the development of, any district, site, building, structure, or object
8 that is significant in American and Washington state history,
9 architecture, archaeology, or culture, and property used in connection
10 therewith, or for its development.

11 (~~(9)~~) (10) "State historical agencies" means the state historical
12 societies and the department.

13 (~~(10)~~) (11) "State historical societies" means the Washington
14 state historical society and the eastern Washington state historical
15 society.

16 (~~(11)~~) (12) "Cultural resource management plan" means a
17 comprehensive plan which identifies and organizes information on the
18 state of Washington's historic, archaeological, and architectural
19 resources into a set of management criteria, and which is to be used
20 for producing reliable decisions, recommendations, and advice relative
21 to the identification, evaluation, and protection of these resources.

22 NEW SECTION. **Sec. 6.** Sections 2 through 4 of this act are each
23 added to chapter 27.34 RCW.

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